

Atty. Docket No.: 42P18598

Patent

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## FAX RECEIVED

In Re Application of: Newburn, et al.

Application No. 10/750,715

Filed: December 31, 2003

For: Processor And Memory Controller  
 Capable Of Use In Computing System  
 That Employs Compressed Cache Lines'  
 Worth Of Information

Examiner: Farrokh, Hashem DEC 18 2007

Art Unit: 2187

OFFICE OF PETITIONS

Confirmation No. 1390

CERTIFICATE OF TRANSMISSION

I hereby certify that this document is being  
 facsimile transmitted to the Office of Petitions to  
 (571) 273-0025, U.S. Patent and Trademark  
 Office on:

Date of Transmission: December 18, 2007Carla Vignola

(Typed or printed name of person transmitting paper)

12-18-07

(Signature of person transmitting paper)

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**PETITION FOR WITHDRAWAL OF ISSUE**  
**UNDER 37 C.F.R. 1.313(c)(2)**

Dear Sir:

The following is a statement of pertinent facts detailing a "specific and significant defect" in the allowed application that warrants approval of the present request to withdraw the above identified application from issuance and permit entry of a Request for Continued Examination (RCE) as provided under 37 CFR 1.313(c)(2). See, MPEP 1308.I.B.

12/20/2007 CKHLOK 0000004 022666 10750715

01 FC:1464 130.00 DA

Appln. No. 10/750,715  
 Petition To Withdraw from Issuance Under 37 C.F.R. 1.313(c)

Atty. Docket No.: 42P18598

1) Exhibit A, attached, details the paperwork that was generated for the above identified application for review by the attorney responsible for reviewing the case file prior to payment of the issue fee. Note that the paperwork, consistent with our standard procedures, includes: i) the Notice of Allowance mailed by the PTO on 5/29/07 (including a 1449 form initialed by the Examiner); and, ii) a sheet of paper (last page of Exhibit A) detailing the family of foreign application activity for the above identified application.

2) Note that item ii) of Exhibit A only identifies the present application (P18598) and a PCT application (P18598PCT).

3) Exhibit B shows the actual family of foreign application activity for the above identified application. Note that Exhibit B lists a Chinese counterpart to the above identified application (P18598CN). Thus, item ii) in Exhibit A is incorrect.

4) Consideration of 1) through 3) above leads to the conclusion that the attorney responsible for reviewing the case history of the above identified application prior to payment of the issue fee would not have been aware of the existence of any national phase foreign applications because item ii) of Exhibit A contains incomplete information. That is, item ii) of Exhibit A fails to list the complete family of applications which, as shown in Exhibit B, includes a Chinese counterpart. This error was due to the failure to properly record the existence of the Chinese counterpart in the database that generated item ii) of Exhibit A.

5) Exhibit C shows the translation of an Office Action received from the Chinese Patent Office on June 22, 2007 for the Chinese counterpart to the above identified application. Note that it includes a substantive rejection of claims similar to those about to issue in the above identified application.

6) The attorney responsible for reviewing the case history of the above identified application prior to payment of the issue fee, because of the unfortunate error in item ii)

of Exhibit A, was simply unaware of the existence of the Chinese counterpart and was unaware of the existence of the Office Action from the Chinese Patent Office when approval for payment of the issue fee was given.

7) After payment of the issue fee, the attorney responsible for responding to the Chinese Office Action became aware of the mistake in item ii) of Exhibit A and, in response thereto, has submitted the enclosed request to withdraw the present application from allowance so that the US Examiner may consider the Chinese Office Action in an Information Disclosure Statement (IDS) filed pursuant to a Request for Continued Examination (RCE).

8) The claimed subject matter of issued Pat. No. 7,257,693 appears to be related to the subject matter claimed by the above identified application. In order to obviate any allegation of double patenting with respect to the above identified application and the '693 patent, the Applicants have included with the aforementioned RCE an amendment to the claims of the above identified application that: i) adds additional patentably distinct subject matter to the independent claims; and, ii) cancels claims directed to a type of compression. The enclosed IDS also includes U.S. Pub. Pat. No. 2005/0114601 which was cited in the '693 patent but is not yet of record in the above identified application.

In view of the above, the Applicants respectfully request withdrawal of the present application from issuance and entry of the RCE and IDS so that the US Examiner may consider the enclosed IDS and claim amendments.

Authorization is hereby give to charge our Deposit Account the fee of \$130.00  
Under 37 C.F.R. 1.17(h). If there are any additional charges, please charge Deposit  
Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 12/18/07

  
\_\_\_\_\_  
Robert B. O'Rourke  
Reg. No. 46,972

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(408) 720-8300

Appn. No. 10/750,715  
Petition To Withdraw from Issuance Under 37 C.F.R. 1.313(c)

4

Atty. Docket No.: 42P18598

